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3581/004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pat L. Gordon
Serial No. : 09/466,387
Filed : December 17, 1999
For : GASTRIC STIMULATOR APPARATUS AND METHOD
FOR USE
Group Art Unit : 3737
Examiner : Not yet assigned

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

New York, New York
March 31, 2000

Attention: Application Processing Division
Special Processing and Correspondence Branch

RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION,
INCLUDING REQUEST FOR SMALL ENTITY STATUS

Sir:

Responsive to the Notice to File Missing Parts of
Application mailed February 4, 2000, applicants hereby
submit the following:

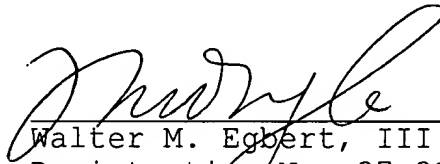
1. A copy of the February 4, 2000 Notice to File
Missing Parts of Application;
2. An executed Declaration and Power of
Attorney;

3. A Verified Statement Claiming Small Entity Status; and
4. A check in the amount of \$950.00 in payment of [X] the \$885.00 small entity filing fee for this application, [X] the \$65.00 small entity surcharge for late payment of the filing fee and for late filing of the Declaration.


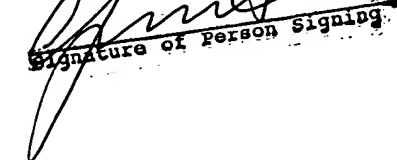
Small entity status is hereby respectfully requested on the basis of item 3 above.

Please credit any overpayment or charge any underpayment in connection with this Response to Deposit Account No. 06-1075. A duplicate copy of this paper is enclosed.

Respectfully submitted,


Walter M. Egbert, III
Registration No. 37,317
Attorney for Applicant
c/o FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

I Hereby Certify that this
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Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/466,387

12/17/99

GORDON

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3581/004

024270204

WALTER M. EGBERT III
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104



3737

DATE MAILED:

02/04/00

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of **\$65.00** for a small entity in compliance with 37 CFR 1.27, or **\$130.00** for a non-small entity, must also be timely submitted in reply to this **NOTICE** to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (Statement filed) ☒ non-small entity is \$ 1970

☒ 1. The statutory basic filing fee is:

- ☒ missing;
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 846 for 47 total claims over 20.

\$ 234 for 3 independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned;
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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01-FC:205
02-FC:202
03-FC:203

65.00 OP
117.00 OP
423.00 OP

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